IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

WP(C).No. 32304 of 2007(S)

AGAINST THE ORDER DATED 23/08/2007 IN IA. 4019 /2006 IN OP.1253/2006 of FAMILY COURT,TRIVANDRUM

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PETITIONER:

ANIL BALAN, 4, VASMA RESIDENCY
KARAKKAD SCHOOL ROAD, GURUVAYOOR.

BY ADV. SMT.MEREENA JOSEPH

RESPONDENTS:

BINDU, D/O.K.K.BALAKRISHNAN,
JANAKI BHAVAN, SPACE GARDENCE, ARASUMMOODU,
KULATHOOR, THIRUVANANTHAPURAM.

BY ADV. SRI.S.KRISHNAKUMAR
SMT.K.V.JAYANTHI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C)No.32304/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. TRUE COPY OF THE ORDER IN I.A.NO.4019/2006 IN O.P.NO.1253/2006 DATED 23-8-2007.

/ TRUE COPY /

P.S.TO JUDGE

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

W.P(C)No.32304 of 2007

Dated this the 19th day of December, 2007

JUDGMENT

Kurian Joseph,J.

This writ petition is filed aggrieved by Ext.P1 order passed by the Family Court in I.A.No.4019/2006 in O.P.No.1253/2006. Petitioner, who is the father of the minor child Anupama born in the respondent, sought for interim custody of the child. The original petition is for permanent custody. By the impugned order the Family Court has permitted the father to see the child for one hour in the Family Court premises on every Saturday. Pursuant to the order issued by this court on 10-12-2007 parties are present before us. We have extensively talked to them. We also have the assistance of Smt.K.Girija, learned Conciliator. After having assessed the entire situation we are of the view that it is in the interests of the parties that a slight modification is made as far as the interim custody is concerned. As far as the child is concerned, though there is difference of opinion between the husband and wife (father and mother) the

fact remains that for the child Anil Balan, the petitioner is the father and Bindhu, the respondent is the mother. The child should be told and taught to respect and love both parents. Only the status of husband and wife is lost. But for the child it is her birth right to have the love, care and protection of both father and mother. Therefore, the impugned order is modified as follows. The petitioner Anil Balan is permitted to take the child from the residence of the respondent Bindhu on every second Saturday at 10 a.m. He shall drop the child back at the residence of Bindhu before 5.30 p.m. on the same day. After thus developing an attachment with the child it will be open to the petitioner to move the Family Court for appropriate further modification.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

ahg.

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

W.P(C)No.32304 of 2007

JUDGMENT

19th December, 2007